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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LETICIA HERNANDEZ., individually,

Plaintiff,

v.

WALMART INC., d/b/a WALMART, a
foreign corporation; and DOES I-X; and ROE
BUSINESS ENTITIES XI-XX, inclusive,

Defendants.

Case No. 2:24-cv-02405-NJK

ORDER
TO EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED, between the parties and their attorneys of record, that **the current discovery deadlines to be extended as indicated on page 3**, pursuant to Local Rule 26-1(b) and 26-3.

I.
DISCOVERY COMPLETED TO DATE

1. The parties have conducted the FRCP 26.1 Early Case Conference.
2. Defendant produced its Lists of Witnesses and Documents on March 10, 2025.
3. Plaintiff produced her Lists of Witnesses and Documents on January 6, 2025.
4. Defendant produced its First Supplement on March 12, 2025.
5. Rule 35 Examination of Plaintiff conducted on April 25, 2025.

II.

DISCOVERY THAT REMAINS TO BE COMPLETED

1. Deposition of Plaintiff.
2. Deposition of Defendant Walmart, Inc. 30(b)(6) witness(es).
3. Designation of Initial Experts.
4. Rebuttal Expert Disclosure.
5. Deposition(s) of Plaintiff's treating physicians.
6. Deposition of other percipient witnesses.
7. Depositions of experts.
8. Issuing subpoenas to additional third-parties, including Plaintiff's medical providers (if any).
9. Additional written discovery (if necessary).
10. Any remaining discovery the parties deem relevant and necessary as discovery continues.

III.

WHY DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME PROVIDED BY THE CURRENT SCHEDULING ORDER

A. Good Cause

LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. If the stipulation is made less than twenty-one (21) days before the expiration of a deadline, the parties must show a good cause exist. A request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect.

A request to extend unexpired deadlines in the scheduling order must be premised on a showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence.

Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992).

The parties agree and submit that the remaining deadlines, cannot and could not have been met despite the exercise of diligence. Good cause exists for the following reasons: the parties agreed to have Plaintiff undergo a Rule 35 Examination with Defendant's medical expert Dr. Jeffrey Wang. However, the earliest date amenable to Plaintiff and Dr. Wang for the examination was April 25, 2025. The parties agreed to have the examination proceed on April 25, 2025, and the examination proceeded on that date. However, Dr. Wang has advised he will require 30 days following the date of the examination for preparation of his corresponding report. As such, the parties therefore agreed that a 30-day extension is required for preparation of Dr. Wang's report. Based on the foregoing, both Plaintiff and Defense counsel are requesting that the scheduling order dates be extended by 30 days.

IV.

PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

Discovery Deadline	Current Deadline	Proposed Deadline
Motion to Amend/Add Parties	March 27, 2025	March 27, 2025
Initial Expert Disclosures	April 28, 2025	May 28, 2025
All Rebuttal Expert Disclosures	May 28, 2025	June 27, 2025
Discovery Cut-Off Date	June 25, 2025	July 25, 2025
Dispositive Motions	July 25, 2025	August 25, 2025
Pretrial Order	August 25, 2025	September 24, 2025

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V.

PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

No trial date has been set in this matter. This Stipulation is not for purposes of undue delay of discovery or trial in this matter but is submitted in the interest of resolving the case on the merits.

IT IS SO STIPULATED.

DATED this 28th day of April, 2025.

DATED this 28th day of April, 2025.

PACIFIC WEST INJURY LAW

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Attorneys for Defendant Walmart, Inc.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED this April 29, 2025

Submitted by:

TYSON & MENDES LLP

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